



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Stephen Titus

Application No.: 10/710,630

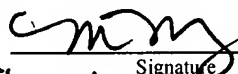
Group: 3711

Filed: July 26, 2004

Examiner: Not Assigned

Confirmation No.: 4751

Title: COMPOSITE BILLIARD CUE SHAFT

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
11/22/2005	
Date	Signature
Meredith Murray	
Typed or printed name of person signing certificate	

REQUEST FOR RECONSIDERATION OF DECISION ON PETITION AND  
RENEWAL OF PETITION TO REVIVE UNINTENTIONALLY ABANDONED  
APPLICATION UNDER 37 C.F.R. §1.137(b)

Mail Stop PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Petition which was mailed from the U.S. Patent and Trademark Office on November 15, 2005, we file the following:

Applicant respectfully requests reconsideration of the decision to dismiss the petition under 37 C.F.R. § 1.137(b) to revive the above-identified application. The applicant's petition was dismissed on the grounds that the petition lacked the required reply to the Notice to File Missing Parts. Specifically, on page 2 of the Decision on Petition, it is stated that although the applicant submitted the statutory basic filing fee of \$790 and the late filing fee or declaration surcharge of \$130, "petitioner has failed to submit a signed oath or declaration."

Applicant respectfully submits that required signed oath or declaration was submitted with the Petition filed on July 28, 2005. As evidence of this, applicant is submitting copies of the Petition and supporting papers printed from the PAIR database on the U.S.P.T.O. website. As is evident from these documents, all of these documents, including an executed declaration, have an official U.S. Patent & Trademark Office date stamp indicating that they were received in the Office on August 1, 2005. In a telephone conversation on November 21, 2005 between the undersigned and Mr. David A. Bucci of the Office of Petitions, Mr. Bucci confirmed that all of the required documents, including the executed declaration, had been received by the Patent Office and entered into the PAIR system. Therefore, since all of the documents required for granting the Petition to Revive were received by the Office by August 1, 2005, it is respectfully submitted that the Petition should be granted.

In the alternative, the applicant hereby renews the request that the above-identified application be revived pursuant to 37 C.F.R. § 1.137(b).

The entire delay in filing the response to the Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. § 1.53(b) was unintentional.

A copy of the reply to the Notice to File Missing Parts filed on July 28, 2005, which includes a signed declaration, is appended to this Request for Reconsideration. Applicant has previously mailed a check in the total amount of \$2420, which includes the basic filing fee in the amount of \$790 as a large entity, the late oath or declaration surcharge of \$130, and the petition fee of \$1500.00 for the revival of an unintentionally abandoned application under 37 C.F.R. § 1.17(m). Thus, it is believed that no additional fees are necessary for the revival of this application. Please charge any deficiency or credit any overpayment in the fees that may be due

Application No. 10/710,630

-3-

in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

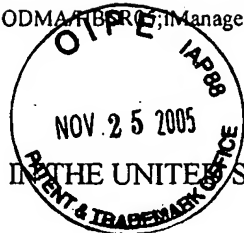
Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Kevin T. Shaughnessy  
Kevin T. Shaughnessy  
Registration No.: 51,014  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 11/22/05



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen Titus  
Application No.: 10/710,630 Group: 3711  
Filed: July 26, 2004 Examiner: Not Assigned  
Confirmation No.: 4751  
Title: COMPOSITE BILLIARD CUE SHAFT

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<u>7-28-05</u> Date	<u>Trisha Sullivan</u> Signature
<u>Trisha Sullivan</u> Typed or printed name of person signing certificate	

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37

C.F.R. §1.137(b)

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the above-identified application be revived pursuant to 37 C.F.R. §1.137(b).

The entire delay in filing the response to the Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. § 1.53(b) was unintentional.

08/02/2005 TBESHAH1 00000041 10710630

03 FC:1453

1500.00 0P

In accordance with the requirements of 37 C.F.R. § 1.137(b), a reply to the Notice to File Missing Parts is appended to this reply, which includes a signed declaration, the basic filing fee in the amount of \$790 as a large entity, and the late oath or declaration surcharge of \$130. The petition fee for the revival of an unintentionally abandoned application under 37 C.F.R. § 1.17(m) in the amount of \$1500.00 as a large entity is also appended. Thus, a check is enclosed in the total amount of \$2420. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By  \_\_\_\_\_

Charlton Shen

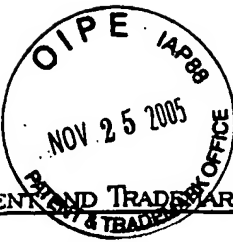
Registration No.: 54,442

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 28 July 2005



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/710,630	07/26/2004	Stephen Titus	

Stephen Titus  
121-B Golden Eye Drive  
Daytona Beach, FL 32119

CONFIRMATION NO. 4751

**FORMALITIES LETTER**



\*OC000000014117454\*

Date Mailed: 10/18/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

08/02/2005 TBESHAN1 00000041 10710630

FILED UNDER 37 CFR 1.53(b)

01 FC:1001 790.00 OP  
02 FC:1051 130.00 OP

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 395 to complete the basic filing fee for a small entity.*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$460** for a Small Entity

- \$395 Statutory basic filing fee.
- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

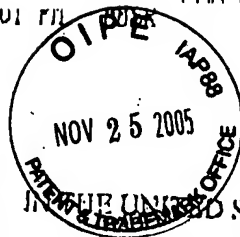
T. L. V.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

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DOCKET NO. 3851,1004-000

UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[ ] Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

COMPOSITE BILLIARD CUE SHAFT

the specification of which (check one)

- [ ] is attached hereto.
- [X] was filed on July 26, 2004 as United States Application Number 10/710,630.
- [ ] was filed on [PCT Filing Date] as PCT International Application No. [PCT Appl'n No.] and assigned United States Application No. [ ].
- [ ] and was amended on [ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby expressly authorize the filing of an International Patent Application under the Patent Cooperation Treaty which corresponds to and claims the priority of the above-identified application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed? YES NO	
(Number) _____	(Country) _____	(Day/Month/Year filed) _____	[ ]	[ ]	[ ]
(Number) _____	(Country) _____	(Day/Month/Year filed) _____	[ ]	[ ]	[ ]
(Number) _____	(Country) _____	(Day/Month/Year filed) _____	[ ]	[ ]	[ ]

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FAX NO.

P. 03

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-2-

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor			
Stephen Titus			
Inventor's Signature			
<i>Stephen L. Titus</i>			
Residence: City	State	Country	Citizenship
Daytona Beach	FL	USA	US
Mailing Address (Business or Residential)			
Street or P.O. Box			
121-B Golden Eye Drive			
City	State	ZIP	Country
Daytona Beach	FL	32119	USA

OFFICE OF THE COMMISSIONER OF PATENTS AND TRADEMARKS, U.S. DEPARTMENT OF COMMERCE, 564407,1

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HAMILTON, BROOK, SMITH &amp; REYNOLDS, P.C.

NOV 25 2005  
 AUG 01 2005  
 FREE TRANSMITTAL FOR  
 PATENT APPLICATIONS

Attorney Docket Number 3851.1004-000  
 Application Number AUG 01 2005 10/710,630  
 First Named Inventor Stephen Titus

## CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	19	- 20 =	0	x \$ 50 =	\$ 0
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	2	- 3 =	0	x \$ 200 =	\$ 0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 360 =	\$ 0
BASIC FEE Filed before 12/8/04 / Filed on/after 12/8/04					\$ 790
APPLICATION SIZE FEE (Applies if filed on or after 12/8/04) \$250 for each add'l 50 sheets exceeding 100				Specification: 0 pages Drawings: 0 sheets Sequence Listing: 0 pages Total No. Pages/Sheets 0	\$ 0
SEARCH FEE Filed before 12/8/04 / Filed on/after 12/8/04					\$ 0
EXAMINATION FEE Filed before 12/8/04 / Filed on/after 12/8/04					\$ 0
Total of above Calculations =					\$ 790
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =					\$
TOTAL =					\$ 790
Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =					\$ 130
Petition for Extension of Time Fee (37 C.F.R. 1.17) =					\$
Assignment Recordation Fee = (only when filed with application)					\$
Petition Fee under 37 C.F.R. § 1.17(m)					\$ 1500
TOTAL =					\$ 2420


## 1. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

2. ☒ Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

3. ☒ A check is enclosed for \$2420. ☐ Please charge \$[ ] to Deposit Account No. 08-0380.

4. ☐ Other: \_\_\_\_\_

Signature		Date	28 July 2005
Submitted by Typed or Printed Name	Charlton Shen	Reg. Number	54,442

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stephen Titus

Application No.: 10/710,630

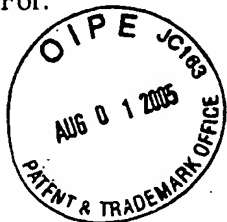
Filed: July 26, 2004

Confirmation No.: 4751

Group: 3711

Examiner: Not assigned

For: COMPOSITE BILLIARD CUE SHAFT



<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>	
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<u>7-28-05</u>	<u>Trisha Sullivan</u>
Date	Signature
<u>Trisha Sullivan</u>	
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the Notice to File Missing Parts dated October 18, 2004, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

**[ X ] EXECUTED DECLARATION FOR PATENT APPLICATION**

*(Separate transmittal letter and postcard not required)*

**[ ] POWER OF ATTORNEY DOCUMENT**

**[ ]** Granted by Inventor(s)

**[ ]** Granted by Assignee, including Statement under 37 C.F.R. 3.73(b)

*(Separate transmittal letter and postcard not required)*

**[ ] PRELIMINARY AMENDMENT**

*(Separate transmittal letter and postcard not required)*

**[ X ] FILING FEE - with Fee Transmittal for Patent Applications in duplicate**

Fee calculations based on:

**[ X ]** Claims as originally filed

**[ ]** The Notice to File Missing Parts states an erroneous number of claims.

**[ ]** Claims upon entry of the Preliminary Amendment filed [herewith] [with the application]

*(Separate transmittal letter and postcard not required)*

**[ X ] SURCHARGE - surcharge fee of \$130**

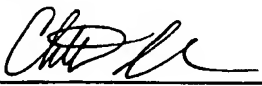
*(Separate transmittal letter and postcard not required)*

- ☐ **SEQUENCE LISTING** - Filed concurrently and is attached  
☐ Preliminary Amendment included in Sequence Listing Transmittal  
*(Separate transmittal letter and postcard required)*
- ☐ **REPLACEMENT DRAWINGS** - ☐ sheets of replacement drawings consisting of Figs. 1 - ☐ are enclosed *(Separate transmittal letter and postcard not required)*  
☐ A Petition to Accept Color Drawings/Photographs (Fig(s). ☐ ) and a Transmittal of Replacement Drawings, with attachments, are enclosed.  
*(Separate check for fees and postcard required)*
- ☒ **PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(b)**  
\$1500 is included in the enclosed check
- ☐ **PETITION FOR EXTENSION OF TIME**  
☐ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated  for  month(s) from  to  The appropriate fee of \$ is included in the enclosed check  
☐ A  month extension of time to respond to the Notice to File Missing Parts dated  was filed on  with payment of a \$ fee  
☐ Applicant hereby petitions for an additional  month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$ is included in the enclosed check  
*(Separate Petition for Extension of Time and postcard not required)*
- ☐ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached  
*(Separate transmittal letter and postcard required)*
- ☐ **STATEMENT CLAIMING SMALL ENTITY STATUS**  
☐ Was filed on   
☐ Is enclosed herewith  
*(Separate transmittal letter and postcard not required)*  
☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$ which were paid on  to be deposited in Deposit Account No. 08-0380
- ☒ **NOTIFICATION OF REQUEST FOR REMOVAL OF SMALL ENTITY STATUS**

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$2420. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

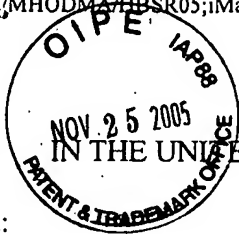
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By   
Charlton Shen  
Registration No.: 54,442  
Tel.: (978) 341-0036  
Fax: (978) 341-0136

Concord, Massachusetts 01742-9133

Date:

28 July 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Stephen Titus

Application No.:

10/710,630

Group: 3711

Filed:

July 26, 2004

Examiner: Not Assigned

Confirmation No.:

4751

Title:

COMPOSITE BILLIARD CUE SHAFT

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<u>7-28-05</u>	<u>Trisha Sullivan</u>
Date	Signature
<u>Trisha Sullivan</u>	
Typed or printed name of person signing certificate	

NOTIFICATION OF REQUEST FOR REMOVAL OF SMALL ENTITY STATUS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant requests removal of small entity status for this application pursuant to 37 C.F.R. § 1.27(g)(2).

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

Charlton Shen

Registration No. 54,442

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: 28 July 2005